

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 In re PHILIP FOND, No. C 11-04856 SBA (PR)

4 **ORDER OF DISMISSAL**

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7 This action was opened when the Court received from Plaintiff Philip Fond a letter addressed
8 to Senior District Court Judge Thelton E. Henderson expressing his displeasure with the "processing
9 of staff misconduct appeals as well as many other health care related appeals" in the prison at which
10 he is currently housed, Mule Creek State Prison. In this action, the Clerk of the Court opened a case
11 file, and sent out a notice that Plaintiff had not filed a complaint, and cautioned that the action would
12 be dismissed if he did not submit a complaint within thirty days. The Clerk also sent out a notice
13 that this action was deficient due to the failure to pay the filing fee or furnish a completed and signed
14 Court-approved in forma pauperis application, and cautioned that the action would be dismissed if
15 he did not pay the fee or file the application materials within thirty days. Plaintiff then sent a letter
16 stating that he did not intend to commence a new action but only to inform the judge of his concerns.
17 (Docket no. 4.)

18 In light of Plaintiff's explanation that the letter he sent to Judge Henderson was not intended
19 to commence a new action, this action is DISMISSED because it was opened in error. No filing fee
20 is due. The Clerk shall close the file.

21 IT IS SO ORDERED.

22 DATED: 11/7/11


23 SAUNDRA BROWN ARMSTRONG
United States District Judge

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 IN RE PHILIP FOND,

6 Plaintiff,

7 v.

8 IN RE PHILIP FOND et al,

9 Defendant.

Case Number: CV11-04856 SBA

10 **CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on November 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
16 located in the Clerk's office.

17 Philip Fond J-82538
18 Mule Creek State Prison
19 C14-247L
20 P.O. Box 409060
21 Ione, CA 956401-9060

22 Dated: November 9, 2011

23 Richard W. Wiking, Clerk
24 By: LISA R CLARK, Deputy Clerk